

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL E. LUBIENECKI,

Defendant.

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**DECISION AND ORDER**  
20-CR-77-A

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On October 20, 2020, the Magistrate Judge filed a Report, Recommendation and Order (Dkt. No. 20) that recommends that defendant's motion to dismiss the Indictment (Dkt. No. 14) be denied. No objections to the Report and Recommendation were filed and the Report and Recommendation was therefore deemed submitted.

Upon review pursuant to 28 U.S.C. §636(b)(1), and for the reasons set forth in the Report and Recommendation, it is

ORDERED that the motion to dismiss the Indictment (Dkt. No. 14) is denied for the reasons stated in the Report and Recommendation (Dkt. No. 20).

ORDERED that the parties appear via Zoom for Government to set a trial date on December 10, 2020 at 12:30 pm.

**IT IS SO ORDERED.**

*s/Richard J. Arcara*  
HON. RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: December 9, 2020